

S/N 10/526,323PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Richard H. Ebright	Examiner:	Unknown
Serial No.:	10/526,323	Group Art Unit:	Unknown
Filed:	February 28, 2005	Docket:	RUT0003-00US
Title:	TARGET AND METHOD FOR INHIBITION OF BACTERIAL RNA POLYMERASE		

COMMUNICATION RE: MISSING PARTS

Mail Stop Missing Parts  
Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

This is a response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (see enclosed copy). Please find enclosed a Declaration by the inventor in compliance with 37 C.F.R. 1497(a) and (b).

Applicant assumes the application is now in proper order and in condition for examination. Please direct any inquiries to the undersigned attorney at 732 815 0404.

No additional fees are believed to be due at this time. However, if any additional fees are due, please charge any additional fees or credit overpayment to Deposit Account 50-3329.

10/07/2005 MKAYPAGH 00000132 10526323

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65.00 0P

Respectfully submitted,

NORTON & DIEHL LLC  
77 Brant Avenue  
Suite 110  
Clark, New Jersey 07066  
732 815 0404

Date September 29, 2005By Gerard P. Norton

Gerard P. Norton  
Reg. No. 36621

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Attn: Mail Stop Missing Parts, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 29th day of September, 2005

Name: Gerard P. Norton

Gerard P. Norton  
Signature

Rec'd PCT/PTO 03 OCT 2005

Applicant: Richard H. Enright

Title: TARGET AND METHOD FOR INHIBITION OF BACTERIAL RNA POLYMERASE

Docket No.: RUT0003-00US

Serial No.: 10/526,323

Filed: February 28, 2005

Due Date: November 21, 2005

Examiner: Unknown

Group Art Unit: 1614

**MS Missing Parts**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

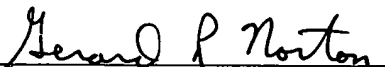
- ☒ A return postcard and this transmittal document.  
☒ A Preliminary Amendment (5 Pages).  
☒ A credit card payment form to cover the fee for late filing of declaration

If the additional fee is required due to changes to the claims, the fee has been calculated as follows:

CLAIMS AS AMENDED						
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Present Extra	Rate	Fee
TOTAL CLAIMS	20	-	20	0	x 25.00 =	\$0.00
INDEPENDENT CLAIMS	3	-	3	0	x 100.00 =	\$0.00
[ ] MULTIPLE DEPENDENT CLAIMS PRESENTED						\$0.00
TOTAL						\$0.00

Customer Number: 48394

By



Gerard P. Norton

Reg. No. 36621

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29<sup>th</sup> day of September, 2005

Name: Gerard P. Norton

Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

PCT &  
 C.C.

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/526,323	richard H Ebright	RUT0003-00 <del>NO</del> US

INTERNATIONAL APPLICATION NO.
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PCT/US03/27457

I.A. FILING DATE	PRIORITY DATE
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09/04/2003

09/04/2002

Norton & Diehl  
 77 Brant Avenue  
 Suite 110  
 Clark, NJ 07066

CONFIRMATION NO. 6511

371 FORMALITIES LETTER



\*OC000000017014954\*

Date Mailed: 09/21/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/28/2005
- Copy of the International Search Report filed on 02/28/2005
- Copy of IPE Report filed on 02/28/2005
- Copy of Annexes to the IPER filed on 02/28/2005
- Information Disclosure Statements filed on 07/07/2005
- U.S. Basic National Fees filed on 02/28/2005
- Priority Documents filed on 02/28/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$1950** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$2070** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 1950**
  - **\$1950** for **57** total claims over 20.

(A previous payment of **\$10** will be applied to the additional fees indicated above.)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/526,323	PCT/US03/27457	RUT0003-00 <del>WO</del> 45

FORM PCT/DO/EO/905 (371 Formalities Notice)

RECEIVED